

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 19,960
)
Appeal of)

INTRODUCTION

The petitioners appeal the decision by the Department for Children and Families, Economic Services Division reducing their essential person (EP) grant. The issue is whether the Department correctly calculated petitioners' income and deductible expenses. The following facts are not in dispute.

FINDINGS OF FACT

1. The petitioners are a couple who live together, one of whom is disabled. The other provides medically necessary personal care and homemaker services.

2. Prior to August 2005 the petitioners received an essential person benefit of \$483 a month, which was based solely on the husband's Social Security income, which the Department had determined was \$488 a month.

3. In August 2005 the Department learned that the husband's Social Security payments had increased to \$606 a month due to the satisfaction of a recoupment that had been

occurring in that program. Based on this the Department determined that the petitioner's essential person grant should be reduced to \$381 a month. A notice dated August 10, 2005, effective September 1, 2005, communicated this reduction to the petitioners, which led them to file this appeal.

4. At the hearing in this matter, held on November 3, 2005, the petitioners alleged that their household expenses had recently increased due to their purchase and use of a truck.

ORDER

The Department's decision is affirmed.

REASONS

The essential person program regulations define an "assistance group" as an aged, blind, or disabled person and a spouse who cannot work as an essential person. W.A.M. § 2752. The essential person payment level is equal to the maximum SSI payment to a couple. W.A.M. § 2754. In the county where the petitioners live this amount is \$967.88. See P-2740.

The regulations further provide as follows:

All income of all assistance group members must be counted together according to the income rules for the . . . ANFC program . . . with the following exceptions:

. . .

The following income exceptions are allowed:

\$20 of total monthly income received by all household members as:

unearned income only (other than VA pension or SSI/AABD benefits). . .

W.A.M. § 2756.

According to the above, all but \$20 of the petitioners' Social Security benefits must be counted in determining their EP eligibility. The only other exceptions and deductions apply to earned income. See W.A.M. § 2756.

In this case there is no dispute that the Department correctly determined the husband's income in determining the amount of EP benefits payable to the household.¹ Thus, the Board is bound to affirm the Department's decision. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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¹ \$967.88 - (\$606-\$20) = \$381.88.